



410.020

1638
#15
E. Lator

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : D. Fox
C. D'HULST et al :
Serial No.: 09/980,771 : Group: 1638
Filed: November 15, 2001 :
For: STARCH...AND THEIR USE :

600 Third Avenue
New York, N.Y. 10016

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the office action of April 9, 2003, Applicants request
reconsideration of the application in view of the remarks presented herein.

The Examiner has required an eight-way restriction requirement between claims 1 to 7 as group I, claims 8 to 10 as group II, claim 11 as group III, claims 12 to 14 drawn to pharmaceutical compositions, claim 15 drawn to food compositions, claim 16 drawn to a method of preparing starch granules, claims 17 and 18 drawn to a method of preparing diffusion polypeptides and claim 19 drawn to a method of biotransformation of starch granules. The Examiner states that there was not a single general inventive concept under PCT Rule 13.1 but deems it is proper under 13.2 since they lack the same or corresponding special technical features.

RECEIVED

MAY 14 2003

TECH CENTER

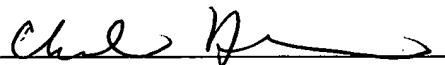
US
EV 327589955
MAY 8, 2003
"Express Mail" mailing label No. 1638
Date of Deposit MAY 8, 2003
I hereby certify that this paper or fee is being deposited with the United States Postal Service Express Mail Post Office to Addressee Service under 27 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
MAY 8, 2003
D. H. K. K. K.

Applicants respectfully traverse this restriction requirement since it is deemed that there is a single inventive concept under PCT Rule 13.1 since there has been no restriction required in the PCT application and therefore, all of the claims should be examined in the same application. The U.S. Patent Office is to treat the 371 of a PCT application in the same fashion as the PCT application is treated. This means that all of the claims should be examined together.

However, in order to be fully responsive to the restriction requirement, Applicants elect with traverse the compositions of claims 12 to 14 which is indicated as group IV in the office action. However, it is requested that all of the claims be examined together.

Since the first office action was merely a restriction requirement, a prompt examination on the merits is requested.

Respectfully submitted,
Muserlian, Lucas and Mercanti


Charles A. Muserlian, 19,683
Attorney for Applicants
Tel. # (212) 661-8000

CAM:ds
Enclosure